

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JEANNIE ATIENZA,)
individually and as)
successor-in-interest to)
Decedent LAUDEMER ARBOLEDA,)
)
Plaintiffs,)
)
vs.) CASE NO.: 3:19-cv-03440 RS
)
ANDREW HALL, individually;)
PHILLIP ARBOLEDA,)
individually, as)
Successor-in-interest to)
Decedent LAUDEMER ARBOLEDA,)
and DOES 1-50, inclusive,)
)
Defendants.)
)

) CERTIFIED COPY

VIDEOCONFERENCE

DEPOSITION OF DETECTIVE SONASI MAK

FRIDAY, OCTOBER 16, 2020

1:09 p.m. - 2:35 p.m.

Contra Costa County, California

REPORTED BY: Liliana Rodriguez, CSR NO. 13783

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DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

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DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

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MARKED DESCRIPTION PAGE

(None marked)

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DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 Zoom videoconference deposition taken pursuant
2 to Subpoena and on Friday, October 16, 2020,
3 commencing at the hour of 1:09 p.m., thereof, before
4 me, LILIANA, RODRIGUEZ, CSR No. 13783, a Certified
5 Shorthand Reporter and Deposition Officer of the State
6 of California, there personally appeared:

7 SONASI MAK,
8 called as a witness by the Plaintiff, who having been
9 duly sworn by me, to tell the truth, the whole truth and
10 nothing but the truth, testified as hereinafter set
11 forth:

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DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 REPORTED REMOTELY FROM FRESNO COUNTY, CALIFORNIA;
2 FRIDAY, OCTOBER 16, 2020, 1:09 P.M.

3 THE REPORTER: The parties participating in this
4 deposition acknowledge that I will be reporting the
5 proceedings remotely pursuant to California Code of
6 Civil Procedure 2025.310.

7 DETECTIVE SONASI MAK,
8 having been first duly sworn,
9 testified as follows:

10 EXAMINATION

11 BY MR. POINTER:

12 Q. Good afternoon, Deputy.

13 A. Good afternoon.

14 Q. Deputy, can you tell us your full name, please.

15 A. My name is Sonasi Maka.

16 Q. Deputy Maka, I am Adante Pointer. I am one of
17 the attorneys representing Ms. Atienza whose son
18 Laudemer Arboleda was shot and killed November 3rd of
19 2018. And you are here to have your deposition today.
20 Do you understand that?

21 A. Yes.

22 Q. Have you ever given a deposition?

23 A. No.

24 Q. This will be an opportunity for me to ask you
25 questions about the incident, your involvement, and it

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 will be done under oath. Do you understand that?

2 A. Yes.

3 Q. I presume you've already been given some of the
4 guidelines and admonitions of a witness by your counsel,
5 who I believe is seated in the room there with you, but
6 I will go over some of those rules and admonitions just
7 so that we're on the same page. Okay?

8 A. All right.

9 Q. So there's no judge here, and you're sitting in a
10 conference room with your counsel, and I'm here at home
11 taking your deposition; however, the oath you took has
12 the same force and effect as if you were in a court of
13 law and a judge was present. Do you understand that?

14 A. Yes.

15 Q. We don't want you to guess or speculate, so if
16 you do not know something, just say you do not know.
17 Because when you provide an answer, a response to any of
18 the questions that I pose here to you today, we will
19 presume that you understood the question and you're
20 answering the question that I pose. Do you understand
21 that?

22 A. Yes.

23 Q. If you need to take a break at any time, that's
24 fine. I just ask that we do not take a break while a
25 question is pending. Do you understand that?

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 A. Yes.

2 Q. I am entitled to your best recollection. Is
3 there any reason why you would not be able to give your
4 deposition here today? For example, you have been up a
5 long time; you're sleepy. Any reasons like that?

6 A. No.

7 Q. It's important -- one of the more important
8 things that we both have to do today is that we speak
9 one at a time because there is a court reporter, who we
10 can see on our screen, that is making a typewritten
11 booklet of everything that is said here today. In order
12 for that booklet to be as accurate as possible, it's
13 important that you allow me to ask my question and then
14 I do the same courtesy, which is allow you to complete
15 your question. And that way we avoid talking over one
16 another, which makes it very difficult for the court
17 reporter, if not impossible for the court reporter, to
18 make an accurate transcript here today. Do you
19 understand that?

20 A. Yes.

21 Q. So if for some reason you start talking or
22 answering while I'm still kind of making my way through
23 my question, I may ask you to pause or we may ask you to
24 repeat your answer. We're not being rude. We're just
25 trying to make sure that the transcript is accurate. Do

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 you understand?

2 A. Yes.

3 Q. Great. At some point in time you will be
4 provided a copy of the written transcript of today's
5 deposition for you to review. If for any reason you
6 want to make a change to what you've said here today,
7 you are free to do that; however, if you should make
8 changes to the transcript after today, I can then
9 comment, whether it's to the judge or to a jury, as it
10 relates to your credibility, i.e., saying today when he
11 was under oath he said one thing. Later when he got to
12 his house or wherever you reviewed this transcript at,
13 you wrote or changed your response. Do you understand
14 that?

15 A. Yes.

16 Q. From time to time your counsel may pose
17 objections to a question that I ask you. You are still
18 to answer that question unless you are specifically
19 instructed not to answer the question. Do you
20 understand that?

21 A. Yes.

22 Q. All right. So I'm going to get started with the
23 deposition. Do you have any questions of me right now
24 before we get going?

25 A. I do not.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Q. Okay. Thank you.

2 So, Deputy, how long have you been a deputy for
3 the sheriff's department?

4 A. A little bit over four years now.

5 Q. And as I mentioned at the outset of your
6 deposition, the incident concerning Mr. Arboleda took
7 place in November of 2018, and the question I have is:
8 How long had you been a deputy up until that point?

9 A. Two years.

10 Q. And during those two years that you had been a
11 deputy leading up to the shooting death of Laudemer
12 Arboleda, my understanding is you had spent some time
13 serving in the two Contra Costa jails, the west county
14 facility as well as MDF or Martinez detention facility;
15 is that true?

16 A. Yes.

17 Q. And that at the time of the incident concerning
18 Mr. Arboleda, you were still in your field training
19 program; is that correct?

20 A. Yes.

21 Q. However, you were due to complete that program --
22 I believe it was that Monday, which would have just been
23 a few days after Mr. Arboleda was shot and killed,
24 correct?

25 A. Yes.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Q. And it's also my understanding that at the time
2 of this incident concerning Mr. Arboleda, officer -- or
3 I should say Deputy Muller, M-U-L-L-E-R, was serving as
4 your field training officer on the date this incident
5 took place; is that correct?

6 A. Yes.

7 Q. It's also my understanding that during the course
8 of this incident, yourself as well as Officer Muller
9 were partnered up or riding together in one patrol car;
10 is that true?

11 A. Yes.

12 Q. And it's also my understanding that you were
13 driving that patrol car during the course of this
14 incident; is that true?

15 A. Yes.

16 Q. And Officer Muller was essentially sitting in
17 your front passenger seat except for the times where he
18 was outside of the car, correct?

19 A. Yes.

20 Q. Was there a division of labor between you two on
21 the date of this incident? Meaning, was one of you
22 taking primary responsibility for putting out
23 transmissions while the other driving, things of that
24 nature?

25 MR. MAUCK: Vague as to time.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 BY MR. POINTER:

2 Q. So you still answer, Officer.

3 A. At the time throughout the day, it would just be
4 me, but there was times where Muller would intervene.

5 Q. Thank you. What I'm trying to figure out to try
6 to see if I can make this more clear, did one of you
7 have the responsibility of putting out radio
8 transmissions?

9 A. No.

10 Q. So during the -- and I'm talking about during the
11 course of this incident when you're investigating the
12 reports of a suspicious person. Did either one of you
13 have the primary responsibility of putting out radio
14 transmissions?

15 A. No.

16 Q. Was that something that you each would engage in
17 during the course of the incident of investigating the
18 report of a suspicious person?

19 A. Yes.

20 Q. I'm going to take you to the date of the
21 incident, and, as I represented to you, that was
22 November 3rd of 2018. Does that sound right to you?

23 A. Yes.

24 Q. And my understanding is you were, you know, in
25 uniform and driving a marked sheriff's deputy vehicle

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 during the course of this incident, correct?

2 A. Yes.

3 Q. And just so we're clear, because I'm using the
4 word "incident," and I want to make sure we're on the
5 same page. When I say "incident," I am talking about
6 the investigation, response and ultimately the shooting
7 death of Laudemer Arboleda. Do you understand that?

8 A. Yes.

9 Q. Thank you. So during the course of this
10 incident, my understanding is that you're partnered up
11 with officer -- Deputy Muller, and you all are attached
12 to respond to a call for service from a residence in
13 Danville; is that correct?

14 A. Yes.

15 Q. And that call for service was about a person whom
16 the reporting party considered to be suspicious walking
17 around in a particular neighborhood, correct?

18 A. Yes.

19 Q. And that person, the reporting party, described
20 the person as being an Asian male wearing glasses,
21 correct?

22 A. Yes.

23 Q. That person described in terms of the things this
24 person considered to be suspicious -- strike that.

25 The reporting party reported that the person had

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 rung a doorbell, correct?

2 A. Yes.

3 Q. The reporting party had also informed dispatch
4 that the person was walking in the area where he had
5 rung this doorbell, correct?

6 A. Yes.

7 Q. During the course of your investigation into this
8 report of a suspicious person, you did not receive any
9 information that this person was armed with any weapons,
10 correct?

11 A. No.

12 Q. During the course of your investigation into this
13 person who was believed to be suspicious, there was no
14 reports that this person had verbally threatened anyone,
15 correct?

16 A. No.

17 Q. And you never --

18 MR. MAUCK: Objection. Vague. Double negative,
19 but I think he's answered it.

20 BY MR. POINTER:

21 Q. You never received any reports that this person
22 who was reported as suspicious had made any verbal
23 threats to anyone, did you?

24 A. No.

25 Q. And you never personally observed this person

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1 holding any weapons in his hand, correct?

2 A. No -- wait.

3 MR. MAUCK: Sorry. I think he misunderstood the
4 question. Can you ask that again.

5 MR. POINTER: I think he answered.

6 BY MR. POINTER:

7 Q. We'll try it this way: Is there something else
8 you want to add to your question now -- I mean to your
9 answer?

10 A. He was not observed holding anything.

11 MR. MAUCK: Okay.

12 BY MR. POINTER:

13 Q. And so, Deputy, my understanding is you were
14 attached to this call for service, correct?

15 A. Yes.

16 Q. And that meant that you all, meaning yourself and
17 Deputy Muller, your field training officer, were going
18 to respond to the scene to investigate this call of a
19 suspicious person, correct?

20 A. Yes.

21 Q. Prior to arriving to the scene, you had not
22 formed the opinion that this person had committed any
23 type of crime, correct?

24 A. I did not.

25 Q. And when you drove yourself and Officer Muller to

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1 the reported scene of this -- where this suspicious
2 person was identified as walking around, correct?

3 A. Yes.

4 Q. And at some point in time you arrived in or about
5 the location where the suspicious person was identified
6 as walking around, correct?

7 A. Yes.

8 Q. And when you got there -- strike that.

9 Where did you and Officer Muller go? Where was
10 the scene located?

11 A. I do not remember the address of the area.

12 Q. Well, do you remember the street?

13 A. I believe it was Laurel Drive.

14 Q. And the scene of where -- strike that.

15 This area where you arrived at on or about Laurel
16 Drive, that's a residential community, correct?

17 A. Yes.

18 Q. When you arrived at the scene, were you greeted
19 by any residents, neighbors, or people who came out and
20 identified anyone as being the suspicious person?

21 A. No.

22 Q. When you arrived on the scene, did you observe
23 any crime afoot?

24 A. No.

25 Q. When you arrived on the scene, had you received

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1 any information from any source that this person who had
2 been described as being suspicious had, in fact,
3 committed some alleged violation or crime?

4 A. No.

5 Q. When you made it to the scene, at some point in
6 time it's my understanding you pulled your patrol car to
7 the curb and essentially parked; is that true?

8 A. Yes.

9 Q. And what happened next after you arrived on the
10 scene?

11 A. I spotted Arboleda getting into -- walking
12 towards his vehicle and getting into the driver's seat.

13 Q. And when you saw Mr. Arboleda -- strike that.

14 When you saw the person who you later found out
15 was Mr. Arboleda getting into the driver's seat of his
16 car, was he committing any crime at that point in time?

17 A. No.

18 Q. And what made you believe that the person you saw
19 getting into the car was Mr. Arboleda -- or was the
20 person who had been reported as being suspicious?

21 A. An Asian male wearing glasses.

22 Q. Okay. So he fit the description that the
23 reporting party had provided to dispatch?

24 A. Yes.

25 Q. And when you arrived to Laurel and you made this

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1 observation of the Asian male wearing glasses, who you
2 later come to find out was Mr. Arboleda, had you turned
3 on your lights or sirens on your patrol car?

4 A. No.

5 Q. And when you saw Mr. Arboleda getting into his
6 car, did you turn on your lights and sirens at that
7 point in time?

8 A. No.

9 Q. Is there a reason why?

10 A. At that time I was just trying to talk to him.

11 Q. At that time you had no information that he, in
12 fact, had committed a crime, correct?

13 A. Yes.

14 Q. And when he got into his car -- and by "he," I
15 mean Mr. Arboleda -- that car was on the opposite side
16 of the street essentially facing the direction that you
17 were coming from as you pulled up, correct?

18 A. Yes.

19 Q. And as you saw Mr. Arboleda get into -- strike
20 that.

21 Prior to Mr. Arboleda getting in his car, had you
22 exited your patrol car?

23 A. Yes.

24 Q. So when Mr. Arboleda -- strike that.

25 Is it fair to say, then, that you were outside of

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1 your patrol car when Mr. Arboleda had -- before
2 Mr. Arboleda had gotten into his car?

3 A. Yes.

4 Q. And did you make any attempts to say anything to
5 Mr. Arboleda prior to him getting into his car?

6 A. No.

7 Q. Did officer -- or did Deputy Muller make any
8 verbal attempts to communicate with Mr. Arboleda prior
9 to Mr. Arboleda getting in his car?

10 A. I don't know.

11 Q. As you sit here today, you don't have a memory of
12 that happening, correct?

13 A. I don't.

14 Q. Now, prior to Mr. Arboleda getting in his car,
15 did either you or Officer Muller attempt to use the
16 car's public announcement system to communicate with
17 Mr. Arboleda?

18 A. No.

19 Q. So it's my understanding Mr. Arboleda got in his
20 car and essentially proceeded to drive away; is that
21 correct?

22 A. Yes.

23 Q. Passing the location that you and Officer Muller
24 were at, correct?

25 A. Yes.

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1 Q. And it's my understanding that -- let me back up.

2 At or about the time of this incident after the
3 shooting had taken place, you were interviewed, correct?

4 A. Yes.

5 Q. And you were interviewed by some investigators
6 from the sheriff's office, correct?

7 A. Yes.

8 Q. And there were also persons present from the
9 Contra Costa district attorney's office; is that right?

10 A. Yes.

11 Q. And did you have legal counsel present at that
12 interview?

13 A. Yes.

14 Q. And that was legal counsel provided to you by the
15 police union, correct?

16 A. Yes.

17 Q. And so going back to the incident itself, as you
18 saw Mr. Arboleda driving away, he did not make any eye
19 contact with you, correct, or at least none that you
20 could discern, correct?

21 A. No.

22 Q. He was just --

23 MR. MAUCK: Sorry. Was that, "Did Mr. Arboleda
24 make eye contact with you when he drove away"?

25 MR. POINTER: Essentially. But I'll rephrase the

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1 question. Not a problem.

2 MR. MAUCK: Okay.

3 BY MR. POINTER:

4 Q. Mr. Arboleda was driving -- strike that.

5 As Mr. Arboleda was driving away, did you
6 perceive that he made eye contact with you?

7 A. Yes.

8 Q. You did. Okay.

9 And you told that to the investigators when you
10 gave them your interview shortly after he was shot and
11 killed?

12 A. Can I look at it again real quick? Look at this
13 again real quick?

14 Q. You have a copy of your interview with you?

15 A. Yes.

16 Q. The angle we have, we're far away, so I can't
17 really tell what you have or what you're doing.

18 A. My interview with Detective Morris.

19 Q. That's fine. I direct you to look at Lines 281
20 through 284.

21 A. 289?

22 MR. MAUCK: What were the numbers, Counselor?

23 MR. POINTER: 281 to 284.

24 BY MR. POINTER:

25 Q. If you could just look up after you've finished

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1 taking a look at it.

2 A. All right.

3 Q. Is that -- let me ask you this: Does that
4 refresh your recollection as to whether or not
5 Mr. Arboleda made eye contact with you as he drove away?

6 A. It does recollect my memory. So I'm standing in
7 the street and he's driving towards me. I'm on the
8 opposite side, but I'm in the middle of the street.
9 He's driving towards me, and I'm waving, but he -- as
10 he's driving by, he doesn't look towards my direction.

11 Q. Okay. Did you notice any grimace or anything
12 like that on his face?

13 A. No.

14 Q. Did he make any gestures towards you as he
15 approached and drove by you?

16 A. No.

17 Q. Did he burn rubber as he drove off? Did you hear
18 the car's tires burning any rubber or screeching?

19 A. No.

20 Q. And as he was driving off, did you form the
21 opinion that he was trying to hit you as you stood in
22 the street?

23 A. No.

24 Q. And at the time you were out in the street trying
25 to get Mr. Arboleda's attention, Deputy Muller was

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1 outside of the car as well, right?

2 A. Yes.

3 Q. And as Mr. Arboleda drove by, yourself as well as
4 Officer Muller got back into your patrol car and decided
5 to follow Mr. Arboleda; is that right?

6 A. Yes.

7 Q. And it's true that when you initially made
8 contact -- strike that.

9 It's true that when you initially tried to make
10 contact with Mr. Arboleda during this particular
11 instance there on or about Laurel, you didn't actually
12 specifically tell him to stop, correct?

13 A. I did not.

14 Q. And you did not hear Officer -- Deputy Muller
15 give a command or an order specifically to stop, did
16 you?

17 A. I did not hear Mr. Muller say anything.

18 Q. And, in fact, at or about that time there on
19 Laurel Street, Deputy Muller actually told you that you
20 guys were not going to make a traffic stop, correct?

21 A. I don't remember that.

22 Q. Do you remember Deputy Muller telling you that
23 you two were going to actually make a traffic stop at
24 that point in time?

25 A. No.

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1 Q. In fact, the conversation between yourself and
2 your field training officer, Deputy Muller, was that you
3 were simply going to try to speak to Mr. Arboleda at
4 that point in time, correct?

5 A. Yes.

6 Q. That would have made that a consensual stop,
7 correct?

8 A. Yes.

9 Q. You didn't have any reasonable suspicion that he
10 had committed a crime of any sort, correct?

11 A. Yes.

12 Q. And nor did you have any information -- strike
13 that.

14 Nor did you have probable cause to make an arrest
15 at that time, correct?

16 MR. MAUCK: Calls for a legal conclusion.

17 Go ahead.

18 BY MR. POINTER:

19 Q. Let me back up. You attended a POST academy,
20 correct?

21 A. Yes.

22 Q. Police Officers Standard of Training Academy,
23 correct?

24 A. Yes.

25 Q. Graduated from that academy, right?

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1 A. Yes.

2 Q. You had to study and learn the principles of what
3 reasonable suspicion means, correct?

4 A. Yes.

5 Q. You also had to learn and study and understand
6 the principles of probable cause, too, correct?

7 A. Yes.

8 Q. These are not terms that are new to you today,
9 correct?

10 A. No.

11 Q. Now, we just were discussing that at this point
12 the contact that you all were seeking to make with
13 Mr. Arboleda would have been considered a consensual
14 stop, correct?

15 A. Yes.

16 Q. What does that term mean to you?

17 A. Consensual is speaking to anyone that's in the
18 public. We're not stopping them to investigate a crime.
19 It's just if they wanted to talk to us, they can talk to
20 us.

21 Q. And if they don't want to talk to you, they don't
22 have to, right?

23 A. They do not have to. They can walk away.

24 Q. Or drive away, too, correct?

25 A. Yes.

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1 Q. So they have no duty to sit there and be detained
2 and respond to whatever questions you have, right?

3 A. Yes.

4 Q. Now, so Mr. Arboleda drives away. Yourself and
5 Deputy Muller get back into your patrol car, make a
6 U-turn, and then start following Mr. Arboleda; is that
7 right?

8 A. No.

9 Q. Okay.

10 A. At that time he was nowhere on Laurel Drive or
11 nowhere in sight.

12 Q. When you left Laurel Drive -- strike that.

13 Mr. Arboleda got in his car and drove away.
14 Yourself and Deputy Muller got into your patrol car, and
15 what was your intent at that point in time?

16 A. To see where he drives.

17 Q. Okay. So your attempt was to find him and follow
18 him, correct?

19 A. Yes.

20 Q. And in order to do that, you all got in the car
21 and then drove off of Laurel Drive in search of where
22 Mr. Arboleda was at, correct?

23 A. Yes.

24 Q. And at some point in time you found Mr. Arboleda;
25 is that right?

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1 A. Yes.

2 Q. And where did you find Mr. Arboleda at? Which
3 street?

4 A. I found Mr. Arboleda on Princeton.

5 Q. Okay. So on Princeton, that's where yourself and
6 Officer Muller tried to make contact with Mr. Arboleda
7 for the second time, correct?

8 A. Yes.

9 Q. Had you activated your lights and sirens at any
10 point in time prior to seeing Mr. Arboleda on Princeton?

11 A. No.

12 Q. When you saw Mr. Arboleda on Princeton, what was
13 the car doing? Was it moving or was it still?

14 A. It just pulled into a parking spot on the curb,
15 parked his vehicle.

16 Q. Okay. And it was -- had he lawfully parked the
17 vehicle?

18 A. He lawfully parked his vehicle.

19 Q. And so at the time you saw Mr. Arboleda lawfully
20 parking his vehicle, what did you do next?

21 A. Parked my vehicle in the opposite end, got out my
22 vehicle, made an attempt to walk towards his vehicle on
23 the street.

24 Q. And when you parked your vehicle on the opposite
25 end and got out and attempted to -- or started walking

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1 towards his vehicle, had Officer Muller got out of the
2 car too?

3 A. I don't know.

4 Q. Had Officer Muller given you any instructions
5 prior to you getting out the car on Princeton? And just
6 so we're clear, I'm asking about the point in time from
7 when you saw Mr. Arboleda drive away until the time you
8 got out the car on Princeton and started walking towards
9 Mr. Arboleda.

10 A. No. I do not remember.

11 Q. So as you sit here today, you don't have any
12 memory of receiving any instruction from Deputy Muller
13 between those two time periods, meaning when
14 Mr. Arboleda got in his car and drove away on Laurel
15 until the time he got out of the car on Princeton,
16 correct?

17 A. Yes.

18 Q. And as you started walking towards Mr. Arboleda's
19 car on Princeton, what took place next, if anything?

20 A. Mr. Arboleda exited where he parked and was
21 driving towards me.

22 Q. So in a similar fashion as on Laurel Street,
23 correct?

24 A. Yes.

25 Q. He wasn't burning rubber or screeching the tires

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1 of the car, correct?

2 A. No.

3 Q. It didn't appear to you like he was trying to
4 strike you with the car, correct?

5 A. No.

6 Q. Did it appear as if he made eye contact with you
7 on this occasion?

8 A. Did it appear he made eye contact? I was
9 standing in the street and he was driving towards me,
10 but as he drove by he never looked in my direction.

11 Q. Okay. And as he drove by you when you were
12 standing in the street, how close did the car get to
13 you, your best estimate?

14 A. Foot and a half to my left.

15 Q. Is it fair to say that as the car passed you, you
16 were closest to the driver's side of Mr. Arboleda's
17 Honda?

18 A. Yes.

19 Q. And when it was -- when the Honda was approaching
20 you and got within a foot and a half of you, did you
21 unholster your firearm and point it at Mr. Arboleda's
22 car?

23 A. No.

24 Q. And you didn't discharge your firearm at any
25 point in time during this incident, correct?

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1 A. No. No, I did not.

2 Q. And so as the car was approaching you on
3 Princeton and driving past you, did you see Mr. Arboleda
4 grimacing his face in your direction?

5 A. No.

6 Q. Now, my understanding is at some point in time
7 during the course of these chain of events,
8 Mr. Arboleda's license plate was ran; is that true?

9 A. His license plate was what?

10 Q. You ran his license plate to see what came back.

11 A. Yes.

12 Q. And when you -- when that happened, you received
13 information about the registered owner of the Honda,
14 correct?

15 A. Yes.

16 Q. And just so we're clear, that's the type of car
17 Mr. Arboleda was driving. It was a silver or grey
18 Honda, correct?

19 A. Yes.

20 Q. So what information -- strike that.

21 You didn't receive any information that the car
22 was reported stolen, correct?

23 A. No, it was not.

24 Q. You didn't receive any information that the
25 registered owner of the car had any wants or warrants,

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1 correct?

2 A. No, I did not.

3 Q. You didn't receive any information that there was
4 a "be on the lookout," a BOLO, for this particular
5 vehicle, correct?

6 A. No.

7 Q. And up to this point in time, you hadn't seen
8 this vehicle break any type of traffic laws, correct?

9 A. Yes.

10 Q. You say "yes," meaning you did not see any?

11 A. I did not see any.

12 Q. Okay. Nor had anyone told you that the car had
13 broken any traffic laws, correct?

14 A. Correct.

15 Q. Now, I understand as the car drove away you were
16 describing that you're in the street. He got within a
17 foot and a half of you. Why was it at that time that
18 you did not pull your weapon?

19 A. I had no fears for my safety.

20 Q. Say that again. I'm sorry.

21 A. I had no fears for my safety.

22 Q. Okay. Was that because he wasn't looking at you?

23 A. He was driving on the opposite side, and I was on
24 the other side of the street.

25 Q. So he was driving on his -- he was driving on the

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1 proper side of the street, correct?

2 A. Yes.

3 Q. The car was moving. It's coming towards you,
4 correct?

5 A. Yes.

6 Q. All right. And you didn't even unholster your
7 weapon, right?

8 A. No.

9 Q. And Mr. Arboleda was essentially looking straight
10 ahead as if almost he didn't even see you, correct?

11 A. Yes.

12 Q. And as the car passed you, it got within a foot
13 and a half of you, as you said, right?

14 A. Yes.

15 Q. So you're almost -- it's fair to say you're,
16 like, in the middle of the street, right?

17 A. Yes.

18 Q. So as the car is coming in your direction and
19 passes you, did Officer Muller pull his weapon -- pull
20 his firearm out?

21 A. No.

22 Q. As the car passed you, did Officer Muller make
23 any attempt that you heard to communicate with
24 Mr. Arboleda?

25 A. I did not hear any.

1 Q. And so the car passes you, goes back in the
2 direction from which you came, and what happens next, if
3 anything?

4 A. He's driving past me. I turn around and I see
5 him making a left on Brookside and running the stop sign
6 that's at Princeton and Brookside.

7 Q. And when you say you saw him run the stop sign,
8 did he run the stop sign meaning he made a left or right
9 turn, or did he just continue straight?

10 A. He made a left turn onto Brookside without
11 stopping at the stop sign. It was at Princeton and
12 Brookside.

13 Q. And where were you at, at that point in time in
14 relation to Mr. Arboleda's car when he made this left
15 onto Brookside and not stopping at the stop sign?

16 A. Probably approximately 50 yards.

17 Q. Was your car essentially behind Mr. Arboleda's
18 traveling in the same direction he was when he made the
19 left off of Princeton onto Brookside?

20 A. No. I was still standing in the street.

21 Q. Okay. Did you have your body camera activated at
22 that point in time when you were standing in the street
23 and observed Mr. Arboleda not stop at the stop sign on
24 Brookside?

25 A. I don't know.

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1 Q. Okay. Have you seen any video clips or footage
2 that depicts Mr. Arboleda running the stop sign on
3 Brookside?

4 A. No.

5 Q. Did you remark to Deputy Muller that Mr. Arboleda
6 had not stopped at the stop sign?

7 A. No.

8 Q. Did he -- "he" meaning Deputy Muller -- did he
9 tell you that he observed Mr. Arboleda not stop at the
10 stop sign at Brookside?

11 A. Yes.

12 Q. And what did he say?

13 A. He said, "Did you see him running a stop sign?"
14 And I said yes.

15 Q. And so what happened next?

16 A. I made a U-turn and I drove towards -- I believe
17 it's Mr. Arboleda's vehicle had made a left onto
18 Brookside and was looking for his vehicle to conduct a
19 traffic enforcement stop.

20 Q. And at some point in time you activated your
21 lights and sirens, right?

22 A. Yes.

23 Q. That means going Code 3?

24 A. No. Just activated my lights and sirens to
25 conduct a traffic enforcement stop.

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1 Q. Code 3 is different than activating your lights
2 and sirens; is that right?

3 A. Yes. Like responding to scenes with your lights
4 and sirens and -- your lights and sirens on, pretty much
5 it, yeah.

6 Q. Okay. And so is it fair to say that -- well,
7 strike that.

8 So you turn on the lights and sirens, but you
9 weren't responding to a scene; is that correct?

10 A. Yes.

11 Q. And at some point in time -- did -- strike that.

12 Did you put out a transmission advising dispatch
13 that you all were going to make a traffic stop?

14 A. Yes.

15 Q. And who made that transmission?

16 A. I don't know.

17 Q. And so it's fair to say, then, that you then
18 pursue Mr. Arboleda after he had made the left onto
19 Brookside; is that correct?

20 A. I couldn't find his vehicle when I made the left
21 onto Brookside, and I believe I made a right onto Glen
22 Arms and drove down. And when I spotted his vehicle,
23 that's when I turned on the lights and sirens to conduct
24 a traffic enforcement stop.

25 Q. And so when you saw Mr. Arboleda on Glen Arms,

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1 what was the car doing, if anything?

2 A. Driving normally.

3 Q. When you say "normally," meaning it was obeying
4 all the traffic --

5 A. Obeying all traffic -- yes.

6 MR. MAUCK: Sorry. Just remember to wait for him
7 to finish. You know where he's going. He knows what
8 you're going to say. Let's just wait so we have a clean
9 record here.

10 THE WITNESS: Got you.

11 MR. POINTER: Were you able to get that, Madam
12 Reporter, or do I need to go back?

13 THE REPORTER: The end was cut off. So if you
14 want to ask him again.

15 BY MR. POINTER:

16 Q. When you saw Mr. Arboleda driving on Glen Arms,
17 was he obeying the traffic laws at that point?

18 A. Yes.

19 Q. And I believe you said you turned on your lights
20 and sirens in order to effect a traffic stop; is that
21 right?

22 A. Yes.

23 Q. And what happened next, if anything?

24 A. Mr. Arboleda yielded, and as I was getting out of
25 my driver's side of the vehicle, he drove away.

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1 Q. And so how far did you get out your car?

2 A. Just got out of the vehicle.

3 Q. I'm sorry -- go ahead.

4 A. As soon as I stepped both of my -- my second foot
5 touched the floor, he took off at a high rate of speed.

6 Q. When you say "high rate of speed," are you saying
7 50 miles an hour? How fast are you --

8 A. Enough for the vehicle to jerk when he took off.

9 Q. So the vehicle jerked?

10 A. Yes.

11 Q. When you say it jerked, are you saying like it --
12 like it kicked gravel and rocks?

13 A. No.

14 Q. When it jerked, was it jerking from left to
15 right?

16 A. No. Forward.

17 Q. Okay. So it was accelerating from a stop; is
18 that what you're saying?

19 A. Yes.

20 Q. And it wasn't, like, fishtailing or anything,
21 right?

22 A. No.

23 Q. And so at that point in time, you used -- up
24 until then you used lights and sirens. Had you used the
25 PA on the car?

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1 A. No.

2 Q. And by "PA," you understand that means public
3 announcement, like a loudspeaker?

4 A. Yes.

5 Q. And so Mr. Arboleda pulled off -- had he been
6 parked at a curb?

7 A. Yes.

8 Q. And so he had lawfully parked the car and then
9 pulled off from the curb as, I believe you said, you put
10 both of your feet on the ground, correct?

11 A. Yes.

12 Q. Then what happened next, if anything?

13 A. He took off from Glen Arms, made a right onto
14 Laurel Drive, and I got back into the vehicle and was
15 driving onto -- making a right on Laurel Drive and my
16 partner Carusso -- Deputy Carusso was behind the
17 vehicle, and we were following Deputy Carusso.

18 Q. So if I understand the order correctly,
19 Mr. Arboleda's in the lead, if you will, Deputy Carusso
20 is behind Mr. Arboleda's car, and now you as well as
21 Deputy Muller are behind Deputy Carusso all following or
22 pursuing Mr. Arboleda; is that true?

23 A. Yes.

24 Q. And had officer -- or strike that.

25 Had Deputy Carusso turned on his lights and

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1 sirens at that point in time?

2 A. Yes.

3 Q. And did you also have your lights and sirens on
4 at that point in time?

5 A. Yes.

6 Q. And so what happened next, if anything?

7 A. We're pursuing Mr. Arboleda onto Laurel Drive,
8 and then he makes a right onto Hartz Way, and he drives
9 down Hartz Way and attempts to make a left into a
10 parking complex, I believe, or he was on a driveway.
11 And at that point in time, Deputy Muller jumps out of my
12 vehicle. I park the vehicle, get out, and we're
13 attempting to stop Mr. Arboleda.

14 Q. When you say "attempting to stop Mr. Arboleda,"
15 what were you physically doing in particular to try to
16 stop him?

17 A. Just yelling at him to stop the vehicle and get
18 out.

19 Q. As you were approaching the vehicle, were you
20 approaching him from the rear? Side? Front? Can you
21 describe the angle in which you were approaching the
22 vehicle?

23 A. Initially it was from the driver's side as
24 Arboleda was in the driveway, and as he's backing out of
25 the driveway we're just backing up and making sure we're

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 staying in front of him so he can see us so he can get
2 out to stop the vehicle.

3 Q. And at that point in time, you still didn't make
4 eye contact with Mr. Arboleda, correct?

5 A. No.

6 Q. He continued to kind of just be looking forward,
7 right?

8 A. Yes.

9 Q. And you never heard him say anything or any words
10 to any effect up until this point, correct?

11 A. No.

12 Q. And you mentioned that yourself, Deputy Muller,
13 and Deputy Carusso are now out of the cars and
14 essentially approaching Mr. Arboleda's vehicle, and I
15 think you said you guys moved out of the way; is that
16 correct? As the car was backing up?

17 A. No. As the car was driving towards our
18 direction, we were yelling just "Move out of the way."

19 Q. Who yelled, "Move out of the way"?

20 A. I heard Muller saying just "Get out of the way,"
21 and then I was telling Carusso to just step off to the
22 left.

23 Q. And so when you heard Deputy Muller telling you
24 to get out of the way, where were you at in relation to
25 Mr. Arboleda's car?

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 A. Directly in front.

2 Q. When you say "directly in front," meaning like in
3 front of the hood, the headlight/grille area of the car?

4 A. Yes.

5 Q. And did you follow Deputy Carusso's -- I mean
6 Deputy Muller's commands to you to get out of the way?

7 A. Yes.

8 Q. How far -- can you give me your best estimate as
9 to how far -- strike that.

10 Can you give me your best estimate as to how
11 close the car got to you before you moved out of the
12 way?

13 A. Ten feet.

14 Q. And up to the point where you had moved out of
15 the way and the car got 10 feet close to you, had you at
16 that point pulled your firearm?

17 A. Yes.

18 Q. At what point in time did you pull your firearm?

19 A. When Mr. Arboleda was backing out of the driveway
20 and started driving, like, as soon as he started backing
21 out of the driveway is when I pulled my firearm.

22 Q. And did you fire your firearm?

23 A. No.

24 Q. Why not?

25 MR. MAUCK: Objection. Calls for speculation.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Go ahead.

2 THE WITNESS: At that time my partners were near
3 the vehicle, and I didn't have -- didn't fear for
4 anyone's safety at that time, myself or others.

5 BY MR. POINTER:

6 Q. And, in fact, you've been trained that you're not
7 to use deadly force against a person driving a car if
8 you can just move out of the way, correct?

9 A. I'm not to discharge firearm towards a vehicle
10 unless in fear of myself or others' safety.

11 Q. And you've been trained that if you can move out
12 of the path of a moving vehicle, you should, correct?

13 A. Yes.

14 Q. Now, when the car's moving again and you get out
15 of the way and you tell Officer Carusso to get out of
16 the way, what happens next?

17 A. Arboleda drives past us, and then we get into our
18 vehicles and pursue him.

19 Q. When he drove past you, he once again was not
20 looking -- he did not make eye contact with you,
21 correct?

22 A. No. But he's driving and weaving around us and
23 our patrol vehicles.

24 Q. Okay. But you didn't make eye contact with
25 Mr. Arboleda at this time, correct?

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 A. No.

2 Q. And as he's driving -- you said he's moving
3 around yourself and the vehicles -- it didn't appear he
4 was trying to strike either you or one of the officers
5 or the vehicles, correct?

6 A. No.

7 Q. And so what happens next, if anything?

8 A. We get into our vehicle and pursue Mr. Arboleda,
9 and at this time we're directly behind Mr. Arboleda
10 driving on Hartz Way towards Front Street.

11 Q. Now, Hartz Way, that's the street that would take
12 you into downtown Danville, correct?

13 A. I believe so.

14 Q. And Front Street will also do the same, correct?

15 A. Yes.

16 Q. And while you're driving in pursuit of
17 Mr. Arboleda, I take it you're listening to police
18 dispatch, correct?

19 A. No. Are you asking am I listening to police
20 dispatch?

21 Q. Yeah. Let me ask it a different way. As this is
22 going on, do you guys have your radio on so you can hear
23 radio transmissions and dispatch?

24 A. Yes.

25 Q. Okay. Did that change at any point in time while

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 you were pursuing Mr. Arboleda?

2 A. No.

3 Q. Were you paying attention to the transmissions on
4 the dispatch?

5 A. No.

6 Q. Were you listening out for any orders or commands
7 that your field training officer was giving as you were
8 pursuing Mr. Arboleda?

9 A. Yes.

10 Q. Did you hear your field training officer say
11 words to the effect that he was going to call or
12 terminate the pursuit if the pursuit made it to
13 downtown?

14 A. No.

15 Q. Did you hear anyone make a statement to that
16 effect?

17 A. No.

18 Q. Was there any discussion between yourself and
19 Deputy Muller as to what your plans were going to be if
20 Mr. Arboleda made it to downtown?

21 A. No.

22 Q. Did you ever hear -- strike that.

23 On this day I understand you were in the field
24 training program, Deputy Muller, who was your field
25 training officer, and it's my understanding that

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Sergeant Martin was the patrol supervisor that day; is
2 that correct?

3 A. Yes.

4 Q. Did you hear Sergeant Martin give you or Officer
5 Muller any orders or commands or directives as to what
6 to do during the course of this pursuit?

7 A. No.

8 Q. Did you request for any directives or advice as
9 to what to do with Mr. Arboleda from the patrol sergeant
10 during the course of this pursuit?

11 A. No.

12 Q. Now, I may have missed it, and if I did I
13 apologize. There was some point in time where one or
14 more of the deputies tried to open Mr. Arboleda's car
15 door; is that correct?

16 A. Yes.

17 Q. Which street did that happen on?

18 A. On Hartz Way when he was in the driveway.

19 Q. Okay. So when Mr. Arboleda was in the driveway,
20 I believe that was Deputy Muller got close enough to the
21 car and tried to open up the driver's side door of the
22 Honda; is that right?

23 A. Yes.

24 Q. And that was during the course when Mr. Arboleda
25 was reversing out of the driveway, right?

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 A. Yes.

2 Q. And then there was a point in time -- strike
3 that.

4 When this was taking place, you were at the rear
5 of your car; is that right?

6 MR. MAUCK: I'm sorry. When is this?

7 BY MR. POINTER:

8 Q. Going back to this point in time in the driveway,
9 you were standing near the rear of your patrol car,
10 right?

11 A. No.

12 Q. You said "no" or "don't know"?

13 A. No.

14 Q. Now, just let me try to clarify this -- get this
15 point down. When you were on Hartz Way and Mr. Arboleda
16 in the Honda is in this driveway, you had gotten out
17 your car with your firearm drawn, correct?

18 A. Yes.

19 Q. Deputy Muller actually approached Mr. Arboleda's
20 Honda and tried to open the driver's side door, correct?

21 A. Yes.

22 Q. And was there a point in time where you were at
23 the rear of your car?

24 A. I don't recall.

25 Q. So as you sit here today, you don't have a memory

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 of that, correct?

2 A. No.

3 Q. Was there a point in time when you were on Hartz
4 Way where you were standing in the vicinity of the rear
5 of Mr. Arboleda's car?

6 A. No.

7 Q. Now, when the car -- Mr. Arboleda's car was
8 moving from this driveway on Hartz Way, was going to
9 continue on, had there been a point in time where Deputy
10 Muller told you, "Don't shoot"?

11 A. I don't know -- I don't recall that.

12 Q. When you say you don't recall that, do you not
13 have a memory of ever hearing someone say that, or is it
14 just that you don't recall that taking place during this
15 sequence in the chain of events?

16 A. I don't have a memory of anyone saying that.

17 Q. So when Mr. Arboleda reversed his car on Hartz
18 Way and then started driving, I take it he -- after he
19 reversed his car out of the driveway, he wound up
20 driving the car forward, right?

21 A. Yes.

22 Q. Okay. And what did you do, if anything, at that
23 point in time?

24 A. At that point in time, I got out of his way and
25 was yelling for my partner Carusso to get out of his

DEPOSITION OF DETECTIVE SONASI MAKALI - VIDEOCONFERENCE

1 way, which we did.

2 Q. And why did you yell at your partner Carusso to
3 get out of the way?

4 A. Because he was standing directly in front of the
5 vehicle.

6 Q. You didn't open fire on the vehicle at that point
7 in time, did you?

8 A. No.

9 Q. And neither did Deputy Carusso, correct?

10 A. He did not.

11 Q. Neither did Deputy Muller, correct?

12 A. He did not.

13 Q. Now, my understanding is after this takes place,
14 you guys get back into your patrol vehicles, correct?

15 A. Yes.

16 Q. All right. What happened next?

17 A. We pursued Mr. Arboleda on Hartz Way, and he made
18 a right onto Front, and we continued to pursue him onto
19 Front until he got to Diablo and Front.

20 Q. Now, at some point during the course of this
21 pursuit, did you hear anyone make statements to the
22 effect that they were going to terminate the pursuit if
23 the pursuit made its way downtown?

24 A. No.

25 Q. Did you hear anybody make statements or words to

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 the effect saying, "Don't shoot him"?

2 A. I'm sorry. I didn't hear that.

3 Q. Did you hear anybody during the course of this
4 incident make a statement or say words to the effect of
5 "Don't shoot him"?

6 A. No.

7 Q. Do you recall there being a point during the
8 course of this incident where Deputy Muller was between
9 the Honda and two parked cars?

10 A. No.

11 Q. Did you ever put out a transmission letting
12 dispatch and your fellow officers know that you all had
13 Mr. Arboleda at gunpoint?

14 A. No.

15 Q. Did you hear anybody put out such a transmission?

16 A. Yes.

17 Q. Who was that?

18 A. I do not know.

19 Q. Did you hear anybody during the course of this
20 incident put out a transmission over dispatch indicating
21 the violations that Mr. Arboleda had committed during
22 the course of this pursuit?

23 A. No.

24 Q. Did you -- so as this vehicle is proceeding up
25 Front Street towards Diablo Road, can you describe the

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 position of the cars, meaning, Mr. Arboleda's car is in
2 the lead, and going backwards from there to his rear,
3 what were the positions of the cars? In terms of were
4 you the second car, middle, or third car?

5 A. At that point in time onto Front Street, I was
6 right behind Mr. Arboleda's vehicle, and Deputy Carusso
7 was behind me.

8 MR. POINTER: This would be a good time to take a
9 break. I think we've been going for about an hour.
10 Let's take a five-minute break, and we'll come back.

11 (Off the record.)

12 BY MR. POINTER:

13 Q. You understand that you are still under oath and
14 all the rules and admonitions I gave to you earlier
15 today at the start of your deposition are still in
16 effect; you understand that?

17 A. Yes.

18 Q. Okay. Now, I'm going to direct your attention or
19 your memory, if you will, to a point of this incident
20 where you are essentially behind Mr. Arboleda's Honda
21 and it is approaching Front Street and Diablo Road.

22 Okay?

23 A. Okay.

24 Q. And if I understand, you are now the first police
25 car behind Mr. Arboleda's Honda, correct?

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 A. Yes.

2 Q. And at this point in time, there's no other cars
3 between yourself and Mr. Arboleda, correct?

4 MR. MAUCK: Objection. Asked and answered.

5 Go ahead.

6 BY MR. POINTER:

7 Q. Is that true?

8 A. No one was in front of me.

9 Q. And Front Street is a -- when it comes to -- when
10 it's approaching, I should say, the intersection of
11 Front Street and Diablo Road, it turns into a two-lane
12 street, correct?

13 A. Yes.

14 Q. The right-hand lane when it gets to the
15 intersection of Front Street and Diablo Road turns
16 right, and the left-hand lane turns left, correct?

17 A. Yes.

18 Q. And there's a third lane that's essentially the
19 opposite lane of traffic; is that correct?

20 A. Yes.

21 Q. So it's fair to say there's three lanes of
22 traffic at the intersection of Front Street and Diablo
23 Road where Front Street runs into Diablo Road, the
24 street that you were traveling on, correct?

25 A. Yes.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Q. And as you all are approaching Diablo Road and
2 Front Street, there are one or more cars that are
3 actually civilian cars that are traveling in the same
4 direction, correct?

5 A. Yes.

6 Q. And as you all are approaching the intersection
7 of Front Street and Diablo Road, you see a police
8 cruiser, which you come to find out is Deputy Hall, pull
9 onto Front Street, correct?

10 A. Yes.

11 Q. And Deputy Hall's cruiser essentially is almost,
12 like, nose to nose with Mr. Arboleda's car as he
13 approached that intersection, right?

14 A. Yes.

15 Q. And you could tell that Officer Hall -- or Deputy
16 Hall had applied the brakes pretty quickly, brought his
17 car to an abrupt stop, correct?

18 A. Yes.

19 Q. Mr. Arboleda, as he's approaching the
20 intersection, Deputy Hall's car essentially is coming
21 towards him head-on. Mr. Arboleda then goes to the left
22 around -- essentially taking his car towards the
23 passenger's side of Deputy Hall's vehicle, correct?

24 A. Yes.

25 Q. At or about that time, Sergeant Martin is coming

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 from the same direction as Deputy Hall, and he turns
2 onto Front Street in an SUV, correct?

3 A. Yes.

4 Q. And when he turns onto Front Street, he brings --
5 he also brings his car or his SUV to a halt, correct?

6 A. Yes.

7 Q. At or about that time, yourself and Deputy Muller
8 are behind Mr. Arboleda's car, and you guys are
9 approaching the intersection as well, correct?

10 A. Yes.

11 Q. And someone in your car -- you could tell me
12 who -- says, "Stop. Stop. Stop," words to that effect,
13 correct?

14 A. Yes.

15 Q. And was that you or Deputy Muller?

16 A. That was me.

17 Q. And Sergeant Martin had brought his car to a
18 stop, and that leaves -- you can use my term -- a gap
19 between Deputy Hall's car and Sergeant Martin's SUV,
20 correct?

21 A. Yes.

22 Q. And you saw Mr. Arboleda turn his car into that
23 gap, correct?

24 A. Yes.

25 Q. And at some point in time while he was going

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 through that gap, you hear gunshots, correct?

2 A. Yes.

3 Q. When you heard these gunshots take place, did you
4 know who was firing them?

5 A. No.

6 Q. You later learned that it was Officer Hall,
7 correct?

8 A. Yes.

9 Q. When you heard the gunshots, did you see the
10 person actually firing their gun?

11 A. No.

12 Q. And a part of that is because you were getting
13 out of your car at or about the time those gunshots
14 started, correct?

15 A. Yes, I was.

16 Q. So your vision was not directed at the person
17 firing the gun, right?

18 A. It was not.

19 Q. Prior to you getting out of the car, did you see
20 Officer Hall standing in the gap between his patrol car
21 and Sergeant Martin's SUV?

22 A. No.

23 Q. Prior to you getting out the car, had there been
24 any discussion that you heard between any of the
25 deputies involved in this incident about a plan as to

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 how to bring this pursuit to a nonviolent conclusion?

2 A. No, there was not.

3 Q. When you were driving up to the intersection of
4 Front Street and Diablo Road, did you know or did you --
5 yeah -- did you know that Deputy Hall was going to be
6 coming from Diablo and coming down Front Street?

7 A. No.

8 Q. Did you see him driving -- strike that.

9 Did you hear anyone giving Mr. Arboleda any
10 orders there on Front Street and Diablo?

11 A. No.

12 Q. I'm asking -- this is at or about the time of the
13 gunshots.

14 A. No.

15 Q. Now, my understanding is that when you gave your
16 statement to investigators, you were accompanied by
17 attorney Sarah Burkett from the DA's office as well as
18 Investigator Ingersol; is that correct?

19 A. I believe so, yes.

20 Q. And did you also have your legal defense attorney
21 present?

22 A. Yes.

23 Q. And the car that you were driving was outfitted
24 with a dash cam camera, correct?

25 A. Yes.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Q. And you also had a body-worn camera as well,
2 correct?

3 A. Yes.

4 Q. Have you looked at either of the recordings from
5 the patrol car or your body-worn camera?

6 A. I saw the one from the patrol vehicle that I was
7 driving.

8 Q. When did you see that for the first time?

9 A. First time about maybe six, seven months after
10 the incident that day.

11 Q. Was that in preparation for any interviews or --

12 A. No.

13 Q. -- strike that.

14 Why did you review it seven months after the
15 incident?

16 A. Not sure.

17 Q. You don't have a recollection?

18 A. I don't know. I remember seeing it at the -- on
19 the -- on a YouTube.

20 Q. Did you see -- have you seen any video related to
21 this incident at any other time than this one that was
22 seven months after the incident on YouTube?

23 A. Yes. About three months ago.

24 Q. Okay.

25 A. I reviewed the dash cam footage of that

DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 vehicle -- the vehicle I was driving.

2 Q. And what was the purpose of reviewing it three
3 months ago?

4 A. No purpose at all. Just reviewing the footage
5 from a pursuit that I was in.

6 Q. Was it in preparation for you giving testimony in
7 the civil case?

8 A. No.

9 Q. Have you been interviewed by anyone else other
10 than the time you were interviewed by investigators
11 immediately after and/or on the same day of this
12 incident?

13 A. No.

14 MR. POINTER: One second. I think I'm going to
15 be done. Do you have any questions, Counsel?

16 MR. MAUCK: Yeah. Just two.

17 MR. POINTER: You can proceed. If I have some
18 follow-up, I'll go.

19 MR. MAUCK: All right.

20 EXAMINATION

21 BY MR. MAUCK:

22 Q. Deputy, are you aware that there was audio
23 recording of the pursuit or the incident as it's been
24 described the day of?

25 A. Yes.

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 Q. Do you think that, to your recollection, does
2 that include the radio chatter, for lack of better word?

3 A. Yes.

4 Q. Okay. And you think that would be better
5 evidence as to what was actually said over the radio
6 during the incident?

7 A. Yes.

8 Q. All right. Thank you.

9 EXAMINATION

10 BY MR. POINTER:

11 Q. And this audio, Deputy, have you made any efforts
12 to review it?

13 A. No.

14 Q. And you knew you were having your deposition here
15 today. This wasn't a surprise, was it?

16 A. No, it was not.

17 Q. And you didn't make any effort to review in
18 preparation for today's deposition, did you?

19 A. No.

20 Q. During any of the breaks, have you made any
21 effort to review the audio?

22 A. No.

23 Q. Do you want to listen to the audio now -- strike
24 that.

25 Is there some portion of the testimony that you

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 gave today that you think the audio is going to refresh
2 your recollection so that you can give accurate and
3 truthful testimony here today?

4 A. No.

5 MR. POINTER: All right. No further questions.
6 Thank you, Deputy. You're free to go as far as I'm
7 concerned.

8 THE WITNESS: Thank you.

9 MR. MAUCK: Adante, I think Sarah Burkett was
10 from the Legal Defense Fund, not from the DA's office.

11 MR. POINTER: Okay.

12 MR. MAUCK: I don't know if that makes any
13 difference to what you were saying earlier, but -- so
14 she wouldn't be the one questioning.

15 MR. POINTER: Right. Okay. We can remain on the
16 record. Looks like she's still going anyway. I'll just
17 ask the deputy. He can repeat what you're saying.

18 BY MR. POINTER:

19 Q. Deputy, my understanding is you were accompanied
20 or that there was an attorney present by the name of
21 Sarah Burkett during the course of you giving your
22 interview to investigators on the date of this incident.
23 Do you remember that person?

24 A. I do not.

25 Q. Okay. Do you know whether -- well, if you don't

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

1 remember -- it's -- what are you going to say?

2 A. Right.

3 MR. POINTER: All right. We can wrap up the
4 deposition at this point. Thank you, Deputy, for coming
5 down. I hope you have a good weekend.

6 (Deposition concluded at 2:35 p.m.)

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DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 DECLARATION OF WITNESS
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8

I, SONASI MAK, do hereby declare under
penalty of perjury that I have read the foregoing
transcript; that I have made any corrections as appear
noted, in ink, initialed by me, or attached hereto; that
my testimony as contained herein, as corrected,
is true and correct.

9 EXECUTED this _____ day of _____,
10 2020, at _____, _____.
11 (City) (State)

12
13
14 _____
15 SONASI MAK
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DEPOSITION OF DETECTIVE SONASI MAK - VIDEOCONFERENCE

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF FRESNO)

4 I, LILIANA RODRIGUEZ, Certified Shorthand Reporter,
5 in and for the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me
7 remotely at the time and place herein set forth; that
8 any witnesses in the foregoing proceedings, prior to
9 testifying, were duly sworn; that a record of the
10 proceedings was made by me using machine shorthand which
11 was thereafter transcribed under my direction; that the
12 foregoing is a true record of the testimony given.

13 Pursuant to Federal Rule 30(e), transcript review
14 was not requested.

15 I further certify that I am neither financially
16 interested in the action, nor a relative or employee of
17 any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

20
21 DATED: 10/30/2020

22 Fresno, California

23
24 _____/s/Liliana Rodriguez_____
25 LILIANA RODRIGUEZ, CSR No. 13783

DEPOSITION OF DETECTIVE SONASI MAKÀ - VIDEOCONFERENCE

DISPOSITION

Pertaining to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [X] was not requested.

--o0o--

Upon completion of the foregoing transcript, the witness was notified it was ready for signature, but the deposition was not signed by the witness for the following reason:

BARBARA J. BUTLER & ASSOCIATES.

The sealed original will be forwarded to the
deposing attorney's office.

--○○○--

DEPOSITION OF DETECTIVE SONASI MAKÀ - VIDEOCONFERENCE

WITNESS LETTER

TO: Detective Sonasi Maka Date: 12.14.20
Attn: Jason W. Mauck, Deputy County Counsel
CONTRA COSTA COUNTY COUNSEL OFFICE
1025 Escobar Street, 3rd Floor Depo: 10.16.20
Martinez, CA 94553 Ref. #20101678

RE: Jeannie Atienza v. Andrew Hall, et al.

Dear Detective Maka:

Please be advised that the transcript of your deposition taken in the above matter has been completed and is now available at this office for your reading and signing.

Please contact our office between the hours of 9:30 a.m. and 4:30 p.m. Monday-Friday, to schedule an appointment. Or, if you prefer, contact the attorney to review and sign the copy of your deposition under penalty of perjury.

Read the transcript making any changes necessary.
In making any changes, please use the following guide:

1. DO NOT WRITE on the original transcript.
2. SIGN UNDER PENALTY OF PERJURY at the end of the Deposition on the Declaration of Witness Page.
3. List each change on the Deposition Errata Sheet following this page. Signature is required at the bottom of the Errata Sheet.
4. Forward the signed Declaration of Witness Page and signed Errata Sheet in addition to a copy of this letter to:

Barbara J. Butler & Associates
Certified Court Reporters
P.O. Box 3508, Santa Clara, CA 95055
(510) 832-8853 or (408) 248-2885.

Upon receipt of items requested in this letter, I will forward copies of same to all Counsel.

In the event you have not reviewed your deposition within 35 days or by trial date, whichever is sooner, the original transcript will be sealed pursuant to applicable laws and thereafter mailed to the deposing attorney.

Sincerely,

/s/Barbara J. Butler
Barbara J. Butler, CSR

cc: All Counsel

DEPOSITION OF DETECTIVE SONASI MAKA - VIDEOCONFERENCE

1 DEPOSITION ERRATA SHEET

2 RE: Jeannie Atienza v. Andrew Hall, et al.

3 Depo: 10.16.20

Ref. #20101678

4 Page No. ____ Line No. ____

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22 SONASI MAKA

23 DATE

DEPOSITION OF DETECTIVE SONASI MAKĀ - VIDEOCONFERENCE

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ATTORNEY'S NOTES

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